



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 4. CALIFORNIA HORSE RACING BOARD

TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND RULE 1606. COUPLING OF HORSES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1606. Coupling of Horses. The proposed amendment would exempt thoroughbred horses from the coupling requirements of Rule 1606 if the thoroughbred horses are owned by different partnerships whose composition are not mirror images, and there is at least one partner who has an ownership interest in each of the partnerships, and each horse is trained by a different trainer.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Tuesday, August 19, 2008**, or as soon after that as business before the Board will permit, at **San Luis Rey Downs, 5772 Camino Del Rey, Bonsall, CA**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written com-

ment period closes at **5:00 p.m., on August 4, 2008**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6042
E-Mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Section 19401, Business and Professions Code.

Business and Professions Code sections 19420, 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19401, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19590 states the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. Business and Professions Code section 19401 states the intent of this chapter is to allow pari-mutuel wagering on horse races, while: assuring protection of the public; encouraging agriculture and breeding of horses in California; supporting the network of California fairs; providing for maximum expansion of horse racing opportunities in the public interest; providing uniformity of regulation for each type of horse racing.

The Board proposes to amend Rule 1606 to exempt thoroughbred horses from the coupling requirements of Rule 1606 if the thoroughbred horses are owned by dif-

ferent partnerships whose composition are not mirror images, and there is at least one partner who has an ownership interest in each of the partnerships, and each horse is trained by a different trainer.

In 2006 the Board examined the practice of coupling horses as a single wagering interest when the same person or persons owned them in whole or in part. Coupling became an issue when some within the industry expressed dissatisfaction with the possibility that a fan that wagers on a coupled entry consisting of a favorite and a mediocre horse would be left with a wager on the lesser horse if the favorite were scratched. They also argued that owners do not have as much influence as trainers on horse races, so it did not make sense to couple owners if horses trained by the same trainer were not coupled. The elimination of coupling was seen as one possible solution to these issues. At a Special Teleconference Meeting on May 15, 2006, the Board determined it would test the hypothesis, so it enacted Rule 1406, Suspension of Rule, and temporarily suspended Rule 1606 at two thoroughbred race meetings. The suspension of Rule 1606 was later extended to include the quarter horse meeting at Los Alamitos Race Track. As a condition of the suspension of Rule 1606 the Board requested that the racing associations participating in the experiment keep track of the number of times horses were uncoupled, and the effect of uncoupling on the handle. At the end of the temporary suspension the participating racetracks reported their numbers were not sufficient to support a conclusion. Only a few dozen races qualified for the uncoupling experiment (There had to be five or more racing interests in a race before uncoupling could occur). In races where uncoupling did occur, there was a slight increase in handle due to more wagering interests.

In June 2007 Rule 1606 was amended to exempt quarter horse races from the regulation's coupling requirements.

The proposed amendment to Rule 1606 will allow the uncoupling of two or more thoroughbred horses entered in the same race that are owned by different partnerships whose composition are not mirror images, but where at least one partner has ownership interest in each partnership, and a different trainer trained each horse. New subsections 1606(b) and 1606(b)(1) provide that two or more horses entered in the same race do not have to be coupled if each is owned by different partnerships whose composition is not the same, but there is at least one partner with ownership in each of the partnerships. The requirement that the partnerships not have "mirror" ownership will ensure the wagering public has greater acceptance of uncoupling the horses. It is not unusual for partnerships to own horses entered to race, and the Board has determined that when at least one person has common ownership amongst partnerships that entered

horses in the same race the issue of coupling such horses is not as great as when one person owns two or more horses entered in the same race. Subsection 1606(b)(1) states at least one partner must have ownership in each of the partnerships. This is necessary, as coupling would not be an issue if there were no common ownership amongst the partnerships. There may be more than one partner with common ownership; in fact, all but one of the partners may have common ownership. Subsection 1606(b)(2) states different trainers must train the horses. The Board determined that different trainers must train the horses as many fans believe trainers have a greater ability to influence the outcome of a race than owners, and if uncoupling is to occur, different trainers will help remove any negative perceptions.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1606 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1606 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1606 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of

the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to

the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND RULE 1505. QUALIFICATIONS FOR LICENSE AS HORSE OWNER

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1505, Qualifications for License as Horse Owner, to provide that an applicant for renewal of a horse owner license whose license is in good standing with the Board, but who does not currently own a properly registered race horse which is in the care of a licensed trainer, or who does not have an interest in such race horse as a co-owner, part owner, or lessee, may renew such license as horse owner.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Tuesday, August 19, 2008**, or as soon after that as

business before the Board will permit, at **San Luis Rey Downs, 5772 Camino Del Rey, Bonsall, CA**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on August 4, 2008**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6022
E-Mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: sections 19460 and 19520, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19460 and 19520, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control for horse racing and pari-mutuel wagering. Business and Professions Code section 19460 states all licenses granted under this chapter

are subject to all rules, regulations, and conditions from time to time prescribed by the Board. Business and Professions Code section 19520 provides every person not required to be licensed under Article 4 (commencing with section 19480) who participates in, or has anything to do with, the racing of horses shall be licensed by the Board pursuant to rules and regulations that the Board may adopt, and upon payment of a license fee fixed and determined by the Board.

The Board proposes to amend Rule 1505 to allow a person who holds an occupational license as horse owner in good standing, to renew such license regardless of actual horse ownership at the time of renewal. Rule 1505 currently requires that an applicant for an occupational license as horse owner must be the owner of record of a properly registered racehorse that is in the care of a licensed trainer. Under Board Rule 1486, Term of License, the term of a horse owner license is set at three years. A new subsection 1505(d) provides that an applicant for renewal of a horse owner license, whose license is in good standing with the Board, but who does not currently own a properly registered racehorse which is in the care of a licensed trainer, or who does not have an interest in such racehorse as a co-owner, part owner, or lessee, may renew such license as a horse owner. The Board has determined that it wishes its licensing process to be more "user friendly," and to let everyone currently licensed as a horse owner renew their license if they meet all of the criteria for the license, except the ownership of a properly registered racehorse under the care of a licensed trainer. A way to accomplish this is to make the licensing process as easy as possible, so as to keep persons who are licensed as horse owners in racing by not placing roadblocks to their participation. The Board believes one such roadblock is the current requirement under Rule 1505 that at the time of licensing, an applicant for a license as horse owner must own or lease a properly registered racehorse that is in the care of a licensed trainer. The Board has determined that a person who obtained an initial horse owner license to race a horse, but subsequently lost the horse to claiming, or sent the horse to the farm, and who currently does not have a properly registered racehorse in the care of a licensed trainer, should not be "penalized" at the time of renewal of his horse owner license. The Board has determined that it wants such individuals to be able to renew a horse owner license without having a properly registered racehorse in the care of a licensed trainer.

The proposed amendment to Rule 1505 sets no limit to the number of times a person may renew a horse owner license without owning a properly registered racehorse, because it is possible that one may buy such a horse at any time. In addition, the proposed amendment does not require a person who renews a horse owner li-

cense to own a properly registered racehorse during the term of the license.

While the proposed amendment to Rule 1505 will allow a holder of a horse owner license to renew such license without owning a horse, it does not excuse the licensee from the provisions of Business and Professions Code section 19464, which states: "No application for a horse owner's license. . . shall be granted unless the applicant's liability for workers' compensation is secured in accordance with Division 4 (commencing with Section 3700) of the Labor Code. Any termination of security for that liability during the period of the license shall result in the immediate automatic suspension of the license during the period of that termination and also shall be a ground for revocation of the license." In addition, Board Rule 1501, Worker's Compensation Insurance Required, states that an applicant's liability for workers' compensation insurance shall be secured before he or she may receive a horse owner's license.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1505 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1505 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1505 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Colleen Germek, Regulation Analyst
Telephone: (916) 274-6049
E-mail: colleeng@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modi-

fied text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

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BOARD WEB ACCESS

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TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to 5 California Code of Regulations Section 80413 Pertaining to Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California

Notice of Proposed Rulemaking

The Commission on Teacher Credentialing proposes the regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed action will be held:

August 8, 2008

8:45 a.m.

**San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111**

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on August 5, 2008. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at tfesperman@ctc.ca.gov.

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Authority and Reference

Education Code Section 44225 authorizes the Commission to promulgate rules and regulations which will implement, interpret or make specific sections 44225(b), 44225(d), 44225(l) of the Education Code and govern the procedures of the Commission.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Governor Schwarzenegger signed Assembly Bill 2210 (Stats. 2004, Chap. 343) on August 30, 2004. In June 2005, section 80413, was approved by the Office of Administrative Law to implement the requirements stated in AB 2210. Section 80413(b)(2) states that effective August 30, 2004, completion of a Commission approved program of beginning teacher induction is required to earn a clear single subject and multiple subject teaching credential. If a beginning teacher is eligible for induction but an employing agency verifies that induction is not available or the employing agency verifies that the beginning teacher is required under NCLB to complete subject matter course work to be qualified for a teaching assignment, he or she may complete a Commission-accredited fifth year of study program. Induction, as defined by the Commission's adopted *Standards of Quality and Effectiveness for Professional Teacher Induction Programs*, is a standards-based job-embedded process of applying and demonstrating

theory and knowledge acquired in the preliminary preparation program with the support and assistance of a support provider leading to the clear credential recommendation.

An employing agency is defined in the regulations as including public school districts, county offices of education, schools that operate under the direction of a California state agency, nonpublic, nonsectarian schools and agencies, charter schools and private schools. These agencies will determine the method the beginning teacher will complete the requirements to earn the clear credential, by induction or a fifth year of study.

State funding is available to support induction for all individuals employed in the public schools in California in their first and second year of teaching on a preliminary multiple or single subject teaching credential. Individuals employed in private schools or other teaching positions, but not K–12 public schools, may participate in an approved induction program but are not supported by state funding. Preliminary multiple and single subject credential holders who are employed as day-to-day substitutes, individuals who move out of California prior to completing the clear credential requirements, and individuals who are employed by an entity that is not a school or who are not employed are not eligible for induction, consequently they are not eligible to participate in the fifth year of study. As a result, for these individuals neither state funded induction or a fifth year of study can be completed to earn the clear credential. These individuals might be eligible to complete a university-based induction program, should one be available.

Currently, a preliminary credential is valid for five years. The expectation is that the vast majority of individuals who earn a preliminary multiple subject or single subject credential will be employed as a K–12 teacher within those five years and therefore able to complete the clear credential program through induction. (Clear credential program is completion of either a Commission-approved induction program or a Commission-accredited fifth year of study.) But it is now clear that a small percentage of individuals who hold preliminary multiple or single subject credentials are not able to participate in induction and are not employed by entities that can waive the induction requirement to allow the individual to complete a fifth year of study. Beginning in September 2009, there will be individuals who hold preliminary credentials that will soon expire and the individual will not have had the opportunity to earn the clear credential.

In discussion with stakeholders from the induction and university communities, there is broad agreement that individuals who earn the clear credential should have demonstrated the skills and abilities as defined by

the clear credential program standards. Stakeholders have also expressed concern for the individuals who earned the preliminary credential but have not been able to find a teaching position in a public school and therefore have not the opportunity to complete induction.

Options for Extension of Time

The proposed regulations allow for three options:

- 1) A two-year extension for individuals employed in a position for which they may complete the clear credential program but need additional time to complete the requirements. [*subsection (d)*]

If an individual has not been able to find employment as a teacher, then his or her preliminary credential would expire. Every individual has the right to request an extension of an expired credential. When the individual finds employment and therefore needs the credential, then he or she would request an extension of the preliminary credential providing information including verification of employment. This will allow the individual to be employed as a teacher and participate in an induction program to earn the clear credential. If the individual did not complete the renewal requirements for a reason such as illness, an additional one-year extension may be issued on a case by case situation.

- 2) A three-year extension for individuals who have not completed the requirements to earn a clear credential and are not in a position whereby they may complete the clear credential program. The individual needs to hold a multiple or single subject credential to serve in their current assignment. The individual would have additional time to seek a position that would allow for completion of the clear credential program. An individual may gain employment in a position that allows for completion of the requirements within the three years and earn the clear credential. [*subsection (e)*]

The recommendation from stakeholders from the induction and university communities is that an individual should be allowed to request a one-time renewal of the preliminary credential for three years. Included in the application would be a statement from the individual explaining why induction was not completed in the five years of the preliminary credential and describing the plan to complete the clear credential program within the three-year time period of the extension. In addition, the individual will need to certify that he or she was not employed in a position for which the clear credential program was available.

An individual who has been issued the two-year extension in #1 is not eligible for the three-year

extension in #2 as an individual must certify that he or she was not employed in a position for which the clear credential program was available to earn the three-year extension. If an individual does not complete the clear credential program during the two-year extension because he/she were negligent, the three-year extension would not be available. [subsection (e)(2)(B)(ii)]

- 3) An individual who received a three-year extension of their preliminary credential as noted in #2 may extend the credential for an additional two years as noted in #1 if he or she gains employment in a position that allows for completion of the requirements after the three-year extension. This would allow for the additional time necessary to earn the clear credential.

In addition to proposing an extension of time under the limited circumstances described above, the basic skills and professional growth requirements have been updated, additional agencies are added to the list of employing agencies, and a definition for clear credential program has been added.

Proposed Changes to Regulation

§80413(a)(2) The proposed change is to update the basic skills requirement in alignment with recent changes in statute.

§80413(a)(8) Clarification for other approved programs other than institutions of higher education to verify completion of the approved program is included in this subsection.

§80413(b) and (c) With the passage of SB 1209 (Chap. 517, Stats. 2006) and the deletion of Education Code sections 44270.1 and 44277, professional growth is no longer a requirement to earn a 'professional' clear credential and the Commission has returned to issuing clear credentials. In addition, grammatical errors are being corrected.

§80413(d) The conditions and requirements to extend a credential for a two-year period (induction is generally a two-year program) for individuals employed in a position for which they may complete the clear credential program but need additional time to complete the requirements are described in the subsection.

§80413(e) The conditions and requirements to extend a credential for a three-year period for individuals who have not completed a clear credential program for the clear credential are described in the subsection.

Adding a requirement that the individual must certify that he or she was not employed or not employed long

enough in a position for which the clear credential program was available will keep an individual from obtaining the two-year extension in subsection (d) and then obtaining the three-year extension in subsection (e).

§80413(f)(1) The language defines which employing agencies can determine if preliminary credential holders may participate in a Commission-approved fifth year program. The expanded definition for 'employing agency' adds juvenile court schools and juvenile and adult correction because these are employment situations where a Commission-approved Induction Program may be offered.

§80413(f)(3) A definition for 'clear credential program' was added for clarification.

Documents Incorporated by Reference: None

Documents Relied Upon in Preparing Regulations: None

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

Consideration of Alternatives

The Commission must determine that no alternative considered will be more effective in carrying out the purpose for which the action is proposed or will be as effective and less burdensome to affected private persons or small businesses than the proposed action. These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulation

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.

TITLE 8. CALIFORNIA APPRENTICESHIP COUNCIL

NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the California Apprenticeship Council ("Council"), pursuant to rulemaking authority derived from Labor Code section 1777.7, in order to implement, interpret and make specific section 1777.5 of the Labor Code, proposes to amend Section 230.1 of Art. 10, Part I, Chapter 2 of Title 8 of the California Code of Regulations ("CCR") concerning employment of apprentices on public works.

PUBLIC HEARING

The Council will hold public hearings on the proposed rulemaking on August 7, 2008 at the Junipero-Serra State Building, Carmel Room, 1st Floor, 320 W. Fourth Street, Los Angeles, CA 90013, from 10:00 a.m. to 2:00 p.m., and on August 14, 2008 at the Hiram Johnson State Building, Milton Marks Conference Center, San Diego Rooms A/B/C, 455 Golden Gate Avenue, San Francisco, CA 94102, from 10:00 a.m. to 2:00 p.m. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest (below). The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Glen Forman, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 10th Floor, San Francisco, California 94102. Written comments may also be sent to Glen Forman (1) via electronic mail to DASComments@dir.ca.gov or (2) via fax to (415) 703-5227. To be considered, written comments must be received by the Council no later than 5:00 p.m. on August 14, 2008.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations, and the location of public records, may be directed to Brian Crawford at (415) 703-1467. The backup contact person is Glen Forman at (415) 703-4939. Inquiries regarding the substance of the proposed regulations may be directed to Glen Forman at (415) 703-4939.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Labor Code section 1777.7(g) authorizes the Council to adopt regulations to interpret the provisions of Labor Code section 1777.5, which governs the employment of apprentices on public works. This rulemaking was adopted unanimously by the Council to amend the regulation which interprets this statute — Tit. 8, CCR section 230.1 — to provide that public works contractors requesting dispatch from the applicable apprenticeship committees must exhaust the availability of apprentices from all applicable apprenticeship committees, not just one, to be deemed in compliance with the requirement for employment of apprentices on public works. The change is intended to increase the opportunities for employment of apprentices. No comparable federal regulation or statute exists. Please see the Council's Initial Statement of Reasons for further information.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Council has made the following initial determinations:

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Impact on the creation or the elimination of jobs or business, and the expansion of businesses within the State of California, or effect on small businesses: None. There is no effect on small business because the proposed action creates only changes in the procedure by which a public works contractor shows compliance with the requirement to employ apprentices on public works when requesting dispatch from the applicable apprenticeship committees, and does not impose costs.
- Significant effect on housing costs: None.

- Cost impacts on representative private person or business: None. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FISCAL IMPACTS

- Costs or savings to state agencies or costs/savings in federal funding to the State: None.
- Local Mandate: None.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs/savings imposed upon local agencies: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Gov't Code section 11346.5(a)(13), the Council must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of the Council would be more effective in carrying out the purpose for which the action is proposed or would be as effective as the proposed action and less burdensome to affected private persons.

The Council invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

An initial statement of reasons and the text ("express terms") of the proposed regulations have been prepared and are available from the contact person named in this notice. The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the above address. Rulemaking records may be accessed through the agency's Internet website at www.dir.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally pro-

posed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Any such modifications will also be posted on the Council's website.

Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Westin Gaslamp Quarter San Diego, 910 Broadway Circle, San Diego, CA 92101 at 9:00 a.m., or as soon as practicable thereafter, on August 9, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Thursday, August 7, 2008, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2930 of the Business and Professions Code, and to implement, interpret or make specific Section 2914 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires, among other requirements, an applicant for licensure as a psychologist to complete at least two years of supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined in regulations. Currently, existing sections 1387(a)(1)(C) and (a)(2)(C) allow applicants for licensure as a psychologist to accrue postdoctoral supervised professional experience (SPE) as a psychological assistant pursuant to section 2913 of the Business and Professions Code. Many of these psychological assistants work in private practice settings where there are no organized training programs.

Due to the lack of standardization in training in these settings, this proposal would amend sections 1387(b)(10) and 1387.6 and adopt section 1387(b)(11) to require psychological assistants in private practice settings to submit a plan for supervised professional experience to the Board for prior approval prior to the accrual of SPE.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

N/A.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 2005 Evergreen Street, Suite 1400, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written re-

quest to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jeffrey Thomas
Address: 2005 Evergreen Street,
Suite 1400
Sacramento, CA 95815
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Lavinia Snyder
Address: 2005 Evergreen Street,
Suite 1400
Sacramento, CA 95815
Telephone No.: (916) 263-2489
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at www.psychboard.ca.gov.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Westin Gaslamp Quarter San Diego, 910 Broadway Circle, San Diego, CA 92101 at 9:00 a.m., or as soon as practicable thereafter, on August 9, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Thursday, August 7, 2008, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2930 of the Business and Professions

Code, and to implement, interpret or make specific Section 2913 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, section 1391.4 references the January 1, 1997 version of the American Psychological Association's (APA) Guidelines and Principles for Accreditation of Programs in Professional Psychology. This proposal would delete the reference to a specific version of this document thereby allowing the Board to apply the APA's most current standards.

Existing law requires all psychological assistant registrations be renewed annually in accordance with regulations adopted by the Board. Currently, sections 1391.10 and 1391.12 require that all psychological assistant registrations be renewed, and an annual report filed, no later than January 31 of each year regardless of when the registration was issued. Therefore, any registrations issued after February 1 of each year would receive a registration for a period of less than one year. This proposal would amend sections 1391.10 and 1391.12 to amend the renewal date for psychological assistant registrations from January 31 of each year to one year after the initial issuance of the registration and annually thereafter.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

N/A.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board has determined that there will be a small savings since psychological assistant registrations would always be issued for a full year, therefore the registrant would not be required to renew the registration for the first time within less than one year as currently required.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 2005 Evergreen Street, Suite 1400, Sacramento, California 95815.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jeffrey Thomas
Address: 2005 Evergreen Street,
Suite 1400
Sacramento, CA 95815
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

The backup contact person is:

Name: Lavinia Snyder
Address: 2005 Evergreen Street,
Suite 1400
Sacramento, CA 95815
Telephone No.: (916) 263-2489
Fax No.: (916) 263-2697
E-Mail Address: lavinia_snyder@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at www.psychboard.ca.gov.

**TITLE 16. PHYSICAL THERAPY
BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Hearing Room at 2005 Evergreen Street, Sacramento, CA 95815 on Thursday, August 7, 2008 at 10:00 a.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on **August 4, 2008** or must be received at the hearing. The Physical Therapy Board of California, upon its own

motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 2615 of the Business and Professions Code to implement, interpret or make specific Sections 700-704, 2676, and 2684 and of said Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Existing law creates the Physical Therapy Board of California and authorizes it to regulate physical therapists and physical therapist assistants, requiring that they be licensed and renew such licenses every two years. Chapter 540 of the Statutes of 2006 (Assembly Bill 120), effective January 1, 2007, authorized the board to require that its licensees complete continuing competency as a condition of renewal and requires that program be established by regulation.

The proposed regulations make specific the criteria for satisfying the continuing competency requirements as a condition for license renewal of physical therapists and physical therapist assistants. The proposed regulations specify when, how and under what circumstances a licensee may accumulate qualifying continuing competency hours, administrative provisions for enforcing the requirements an inactive status and waiver provisions.

The objective of the proposal is to implement a comprehensive scheme to require continuing competency of board licensees that is administratively functional.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- 1) AB 120 (Cohn) (stats. 2006, ch. 540)
- 2) Business and Professions Code section 2676
- 3) The Federation of State Boards of Physical Therapy's Physical Therapy Continuing Competency Model
- 4) The American Heart Association's Healthcare Professional Training Courses

Impact on Jobs/New Businesses:

Since there are approximately 26,000 licensees regulated by the Physical Therapy Board of California who will be required to complete 30 hours of continuing competency from an approved provider, it has been determined that this regulatory proposal will likely create or expand jobs and businesses who become, or currently are, providers of continuing education.

Cost Impact on a Representative Private Person or Business:

The Physical Therapy Board of California is aware that there is a cost associated with requiring completion of continuing education as a condition of licensure renewal since the licensee will be required to pay a continuing competency processing fee to the Physical Therapy Board of California. Additionally, the licensee would bear the costs associated with meeting the criteria set forth in the regulation.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations could affect small businesses by creating or expanding the provision of continuing competency.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California has determined that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

Copies of the prepared initial statement of the reasons for the proposed action and all the information upon which the proposal is based may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815. The proposed regulations and initial statement of reasons may also be found at www.ptb.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of the reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815. The proposed regulations and initial statement of reasons may also be found at www.ptb.ca.gov.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Rebecca Marco
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
(916) 561-8260
(916) 263-2560 — Fax Number
Rebecca_Marco@dca.ca.gov

The backup contact person is:

Debi Mitchell
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
(916) 561-8251
(916) 263-2560 — Fax Number
Debi_Mitchell@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Rebecca Marco at (916) 561-8260.

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Adoption of Regulations Governing the new Local Housing Trust Fund Program Commencing with Sections 7150, 7151, 7152, 7153, 7154, 7155, 7156, 7157, 7158, 7159, and 7160

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Housing and Community Development (“Department”) proposes to formally adopt regulations, which govern implementation of the Local Housing Trust Fund program created by Health and Safety Code Section 50843.5 as modified by SB 586 and funded from the proceeds of the sale of bonds under the Housing and Emergency Shelter Trust Fund Act of 2006 (popularly known as “Proposition 1C”).

WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Department at its office not later than 5:00 p.m. on August 4, 2008, or must be received at the hearing.

PUBLIC HEARING

A public hearing will be held at the following location:

- **Housing and Community Development Headquarters, 1800 Third Street, Room 183, Sacramento, CA. on Monday, August 4, 2008 from 10:00 a.m. to 12:00 p.m.**

Any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest below. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimonies at the hearings.

AUTHORITY AND REFERENCE

HCD is conducting this rulemaking activity pursuant to the authority provided by Health and Safety Code Sections 50405(n), and to implement, interpret, or make specific Sections 50842.2, 50843.5 and Section 53545.9(c) of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations establish the Local Housing Trust Fund Program authorized by Health and Safety Code Sec. 50843.5 and funded with \$35 million in Proposition 1C (“Prop. 1C”) funds allocated by SB 586 (Dutton–2007).

In 2006, the Legislature passed AB 2638 which amended Health and Safety Code Section 50843 to provide that its provisions only applied to funds from Proposition 46. AB 2638 also enacted Section 50843.5 creating a slightly different local housing trust fund program (hereafter referred to as the “Section 50843.5 LHTF program”) subject to the availability of funding. Shortly thereafter, the voters passed Proposition 1C which allocated \$100 million to an Affordable Housing Innovation Fund subject to further legislative action. In October 2007, the Legislature passed SB 586 which, among other things, stated:

- (c) The Department shall make available the amount of thirty-five million dollars (\$35,000,000) for the local housing trust fund matching grant program established under Section 50843.5. The Department shall make available 50 percent of this amount exclusively for newly established housing trust funds.
- (1) When awarding grants from the funds allocated under this subdivision to existing trust funds, the department shall grant preference to a housing trust fund that agrees to expend more than 65 percent of state funds for the purpose of downpayment assistance to first-time homebuyers.

- (2) When awarding grants from the funds allocated under this subdivision to newly established housing trust funds, the department shall set aside funding for a period of 36 months from the date funds are first made available for newly established housing trust funds that are in a county with a population of less than 425,000 persons.”

§7150. Purpose and Scope. This section provides the authority, purpose of the regulation, and the general activities they regulate.

§7151. Definitions. This section provides the definitions of key terms used throughout the body of the regulations.

§7152. Eligible Applicants. This section sets forth the requirements for an eligible sponsor to apply for funding in addition to the requirements of Section 7153.

§7153. Eligible Use of Funds. The eligible uses of LHTF Program funds are set forth in subdivisions (d)(1) and (2) of Health and Safety Code section 50843.5 and are repeated in regulation for convenience and clarity.

§7154. Matching Fund Requirements. Subdivision (c) of Health and Safety Code section 50843.5 requires that all LHTF Program funds be matched on a dollar-for-dollar basis with funds currently available and identifiable.

§7155. Application Requirements. For ease in processing applications for grants under the program, it is beneficial to the applicants and the Department to set out basic application information requirements in the regulations.

§7156. Application Process. It is customary to set out the general application process in regulation. In addition to the general process used in other Department programs, this section attempts to consolidate into the application process and clarify statutory set-aside and priority requirements.

§7157. Protection of Program Funds. These provisions were included in the Department’s LHTFMG Program agreement with grantees. The funds provided for the LHTF Program by SB 586 come from the sale of general obligation bond funds.

Subdivision (a) of the proposed regulation is included to make clear to grantees that LHTF Program funds are to be made available in the form of secured loans.

Subdivision (b) is necessary to set forth typical Department lending practices for rental housing developments to protect state funds.

Subdivision (c) covers for-sale housing, which requires a deed restriction (Health and Safety Code section 50843.5(d)(3)).

§7158. Encumbrance Deadline and Application of Repayments. The provisions of this section are drawn from the statutory provisions of subdivisions (c),

(e) and (i) of Health and Safety Code section 50843.5. They are included in the regulations to ensure that they are not overlooked by grant recipients; to put each recipient on notice of the requirements; and to make the regulations more user friendly by having most of the regulatory and statutory provisions in one place.

§7159. Legal Documents. This section identifies all significant terms and conditions in a standard agreement that can be enforced if necessary.

§7160. Reporting. Health and Safety Code section 53545(a)(4) requires the Department to annually report how Proposition 1C funds are allocated and expended.

LOCAL MANDATE

Federal Law mandates the requirements. The Department has determined that these regulations do not impose a mandate on local agencies or school districts.

The Department has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has determined that the proposed action has no significant impact on housing costs in California.

INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The proposed regulations do not affect small businesses because the regulations do not mandate or require small businesses to take any prescribed action, and it has no financial impact on small businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

ASSESSMENT STATEMENT

The Department has determined that the regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California.

CONSIDERATION OF ALTERNATIVES

The Department of Housing and Community Development must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons, prepared by the Department, which provides the reasons for the proposals. All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available for inspection at the address noted below. Copies can be obtained by contacting Lenora Frazier at the address and telephone number noted below.

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing and written comment period, the Department may adopt the proposed amendments

substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the address indicated below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

CONTACT PERSON

HCD: **Lenora Frazier**
(916) 323-7288

HCD BACK-UP: **Dennis Beddard**
(916) 323-7288

HCD Address: **State Department of Housing
and Community
Development
Legal Affairs Division
1800 Third Street, Room 440
Sacramento, California
95814**

HCD Website: Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations may be accessed through our website at www.hcd.ca.gov

HCD Facsimile No: (916) 323-2815

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Direct inquiries concerning the substance of the proposed rulemaking action, as well as request for the documents noted to:

Lenora Frazier, Legal Analyst
**Department of Housing and Community
Development**
1800 Third Street, Suite 440
Sacramento, California 95814
Telephone: (916) 323-7288
Fax No: (916) 323-2815
E-mail: lfrazier@hcd.ca.gov

GENERAL PUBLIC INTEREST

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

(Continuation of California Notice Register 2008, Nos. 8–Z, and 15–Z and Meetings of February 8, March 7, April 11, April 15 and May 9, 2008.)

NOTE: The Fish and Game Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See the text of this notice—changes are shown in **bold** type.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215, and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River Sport Fishing.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed through a cooperative system of State, Federal, and Tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport, and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River System sport

fisheries which are consistent with federal fishery management goals.

Two Tribal entities within the Klamath River System, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for subsistence fishing and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by the Hoopa and Yurok Tribes.

Klamath River Fall–Run Chinook

Klamath River fall–run Chinook (KRFC) salmon harvest allocations and spawning escapement goals are established by the PFMC. The KRFC salmon harvest allocation between tribal and non–tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The annual KRFC river sport salmon quota is recommended by the PFMC and the 2008 PFMC allocation is currently unknown. All proposed closures for adult Chinook salmon are designed to maximize and equitably distribute harvest of adult KRFC salmon while operating within the annual quota.

Klamath River Spring–Run Chinook

The Klamath River System also supports Klamath River spring–run Chinook salmon (KRSC). Presently, KRSC salmon are managed under the general basin seasons, daily bag limits, and possession limit regulations and are not under PFMC allocation management.

KRFC Salmon Quota Management

The 2007 quota for the Klamath River System river sport harvest was 10,600 adult KRFC salmon.

The Commission may modify the KRFC river sport salmon quota which is normally 15% of the non–tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan, otherwise harvest opportunities may be reduced in the California ocean fisheries.

The annual KRFC salmon quota is split evenly, with 50% of the quota allocated to the lower Klamath River downstream of the Highway 96 Bridge at Weitchpec and 50% to the remainder of the upper Klamath River System upstream of the Highway 96 Bridge at Weitchpec and the Trinity River Basin. This division ensures equitable harvest of adult KRFC salmon throughout the Klamath River System.

The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth), is proposed to be closed to all fishing after 15% of the Klamath River System quota has been taken downstream of the Highway 101 bridge. This provision only applies if the Department projects that the total Klamath River System quota will be met.

The upper Klamath River System is further divided into three sub-quota areas:

1. 17% from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec,
2. 16.5% for the Trinity River downstream from Hawkins Bar to the confluence with the Klamath River, and
3. 16.5% for the Trinity River downstream from Old Lewiston Bridge to Cedar Flat.

These sub-quota areas are based upon historical angler effort distribution and ensure equitable harvest of adult KRFC salmon in the upper Klamath River and Trinity River.

Current Sport Fishery Management

The KRFC salmon annual quota is divided into sub areas and the harvest conducted under real-time quota management. The KRSC salmon harvest is managed under the general basin seasons without real-time monitoring due to lack of adequate funds.

The Department presently differentiates the two stocks by following dates with minor sub-area differences to providing equitable harvest opportunities:

1. December 1 through August 15 — General Season (KRSC).
2. August 15 to November 30 — KRFC quota management.

The daily bag limits and weekly possession limits apply to both stocks within the same sub-area and time period.

Proposed Changes

The Department is proposing the following changes to current regulations:

At the May 9, 2008 Commission meeting, the Department presented their recommendations for the proposed range of revisions, following consultation with fishery shareholder and user groups. These recommendations are shown below in bold.

Open Season and Bag Limits

The Department proposes combining all of the open season and bag limit language into the regulations table contained in (b)(91.1)(E) to have these important regulations found in one location to reduce public confusion and improve angler compliance.

General Area Closures

The general area closures ending dates are proposed to extend until December 31 to provide additional protection to KRFC salmon still in the system.

KRFC Season Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2008 basin

quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the sub quota has been met.

The opening date for the Klamath and Trinity rivers are proposed to be the same for all subareas within each river. The Trinity River will open two weeks after the Klamath River to allow for adequate migration time from the ocean. The ending date is proposed to extend until December 31.

The proposed open seasons and range of bag limits for KRFC salmon stocks are as follows:

1. Klamath River — August 15 to December 31
2. Trinity River — September 1 to December 31
3. Bag Limit — 3 Chinook salmon — only 2 fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The possession limit is proposed to be 9 Chinook salmon of which no more than 6 Chinook salmon over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

The weekly possession limit in addition to the annual possession limit of no more than 12 Chinook salmon are proposed to be dropped as these measures are not adequately enforceable and lead to public confusion.

KRSC Season, Bag Limit, and Possession Limit

The wild KRSC salmon are primarily limited to two sub-basins of the Klamath River watershed, the Salmon River and the South Fork of the Trinity River (SFTR). The populations of wild spring-run Chinook salmon in these watersheds appear to be at all time lows.

The Department is proposing more restrictive measures to protect wild KRSC salmon outside of the KRFC quota period.

The proposed open seasons for KRSC salmon stocks are as follows:

1. Klamath River — January 1 to August 14
2. Trinity River — January 1 to August 31
 - a. Except for Trinity River main stem downstream from 250 feet below Lewiston Dam to the Old Lewiston bridge — April 1 to August 31

This section of river is designated as wild trout waters.

3. No Chinook salmon may be retained in the following areas:
 - a. Klamath River downstream from Iron Gate Dam to Weitchpec — January 1 to August 14

- b. Trinity River downstream from the South Fork Trinity River mouth to the confluence with the Klamath River — January 1 to August 31

These closures provide protection for naturally produced KRSC while allowing sport harvest opportunities on the hatchery component of the KRSC salmon run in the lower Klamath River.

The **proposed** bag and possession limits are 2 Chinook salmon of any size and the weekly and annual possession limits are proposed to be dropped to provide additional conservation measures.

South Fork Trinity River Season Change

The Department proposes to change the opening dates for angling on the SFTR and Hayfork Creek from the fourth Saturday in May to November 1. Current regulations allow angling in both of these areas from the fourth Saturday in May through March 31. During this period anglers may take hatchery trout/steelhead and brown trout on the SFTR. There is no take of trout on Hayfork Creek. There is no take of Chinook salmon allowed in either system.

The Department recommends that angling on the SFTR downstream of the Hyampom Bridge to its confluence with the Trinity River and Hayfork Creek from the Highway 3 Bridge downstream to its confluence with the SFTR should be open from November 1 through March 31.

Trinity River Trout Bag and Possession Limits

The Department proposes increasing the daily bag limit to 2 hatchery trout or steelhead and increasing the possession limit to 4 hatchery trout or steelhead on the main stem Trinity River downstream from the Old Lewiston Bridge to the confluence with the Klamath River. This will increase angling opportunity to the general public on Trinity River Hatchery stocks and reduce straying of excess hatchery stocks into natural spawning areas.

Brown Trout Bag Limit Change

Based upon public input and Department data that shows no brown trout distribution outside of the Trinity River, the brown trout bag and possession limits will only apply to the main stem of the Trinity River to reduce public confusion and mistaken identification and take of other salmonids of special concern in areas where the brown trout are not found.

Additional minor changes were made to the regulations for clarity.

On March 14, 2008, the PFMC developed three 2008 season options for public review that allowed a range of harvest quotas from 27,100 to 27,400 for the Klamath River Sport Fishery. The ISOR was amended to increase the upper bound of harvest quota and provide an

increased bag and weekly possession limits for additional harvest opportunities. The final PFMC regulation recommendations will be made on April 11, 2008 in Seattle, Washington.

On April 11, 2008, the PFMC recommended a harvest allocation of 22,500 KRFC for the recreational salmon fishery in the Klamath River basin. The Department recommends that the Commission adopt the PFMC KRFC harvest quota allocation.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **Carnegie Library and Cultural Center, 123 D Street, Upland, California, on Friday, June 27, 2008, at 8:30 a.m.**, or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 20, 2008 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on June 24, 2008.** All comments must be received no later than June 27, 2008 at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Neil Manji, Chief, Fisheries Branch, Department of Fish and Game, phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full com-

pliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to have an unknown impact on the net revenues to businesses in the Klamath River area servicing sport fishermen. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE TO INTERESTED PARTIES

NOTICE OF PUBLIC COMMENT PERIOD

ON

AIR TOXICS HOT SPOTS PROGRAM — PROPOSED REVISIONS TO THE TECHNICAL SUPPORT DOCUMENT FOR CANCER POTENCY FACTORS

June 20, 2007

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a draft document, *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures*, to solicit public comment. OEHHA is required to develop guidelines for conducting health risk assess-

ments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). OEHHA in 1999 developed a "Technical Support Document (TSD) Describing Available Cancer Potency Factors" in response to this statutory requirement. This new draft document is designed to replace that original TSD, and presents methodology revised to reflect scientific knowledge and techniques developed since the previous guidelines were prepared. In particular the new draft document explicitly includes consideration of possible differential effects of air toxics on the health of infants, children and other sensitive subpopulations, in accordance with the mandate of the Children's Environmental Health Protection Act (Senate Bill 25, Escutia, Chapter 731, Statutes of 1999, Health and Safety Code Sections 39669.5 *et seq.*). The new methods described include the use of Benchmark Dose methodology for the estimation of low-dose cancer potencies, and the application of age-specific adjustment factors in estimating the risks faced by infants and children from exposure to carcinogens.

We are seeking comments on this document (including the RELs), in particular on the revisions to the existing approved methodology, and the appropriateness of the revised methodology to protect infants and children and other sensitive subpopulations. Following this public comment period, the document and any comments received, along with OEHHA's response to these comments, will undergo review by the state's Scientific Review Panel on Toxic Air Contaminants (SRP).

The revised draft does not include any new cancer potencies developed explicitly using the new guidelines, although updated methods including the benchmark dose approach have been applied in OEHHA's more recent cancer potency estimates. The only change to the listing of potency values and the collection of compound summaries is the addition of a value and summary for ethylbenzene which were recently approved by the SRP and adopted by OEHHA on 11/14/07.

The draft document becomes available on the OEHHA Home Page at <http://www.oehha.ca.gov> on **June 23, 2008. The availability of the document on this site will commence a 60-day public review period that will end on August 22, 2008.**

Public workshops will be held at 10:00 a.m.–1:00 p.m. on Thursday August 14, 2008 in Diamond Bar and at 10:00 a.m.–1:00 p.m. on Friday August 15, 2008 in Oakland. Location information is as follows:

Room (*tba*)
South Coast Air Quality Management District
21865 Copley Dr.
Diamond Bar, CA 91765

Room 12,
Elihu Harris Building
1515 Clay St., 2nd Floor
Oakland, CA 94612

Please direct any inquiries concerning technical matters or availability of this document to Dr. Andrew G. Salmon at (510) 622–3191 or mail to: asalmon@oehha.ca.gov.

Please direct your comments, in writing, regarding the document to:

Dr. Andrew G. Salmon
Chief, Air Toxicology and Risk Assessment Unit
Office of Environmental Health Hazard Assessment
1515 Clay St., 16th Floor
Oakland, CA 94612.

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the ARB web page at <http://www.arb.ca.gov/srp/srp.htm>.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency
Office of Environmental Health Hazard Assessment

NOTICE TO INTERESTED PARTIES

June 20, 2008

REQUEST FOR PUBLIC PARTICIPATION NOTICE OF PUBLIC WORKSHOP

PROPOSITION 65 REGULATORY UPDATE PROJECT SAFE USE DETERMINATION REGULATION

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for implementation of Proposition 65 (The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5, *et seq.*, hereafter referred to as Proposition 65 or the Act). As part of its responsibilities related to Proposition 65, OEHHA maintains the regulations implementing the Act. These regulations can be found in Title 22 of the California Code of Regulations, sections 12000–14000 inclusive, though they will soon be located in Title 27, sections 25000–27000.

Title 22, of the California Code of regulations, section 12204¹ sets out the procedures and criteria for re-

¹ All further references are to sections of Title 22, of the California Code of Regulations unless otherwise indicated.

questioning that OEHHA issue a Safe Use Determination (SUD). OEHHA considers these determinations upon the request of persons subject to Proposition 65 who need to know how the warning and discharge prohibitions apply to their business activities. Currently, the regulations state that OEHHA's SUD's are advisory only. OEHHA wants to encourage businesses to use the SUD process to resolve the often difficult legal and scientific issues that arise under the law and regulations, rather than wait to have these issues by the courts on a case-by-case basis. Some interested parties have requested that OEHHA's SUDs carry more weight in court so that they are worth the time and expense involved in obtaining one. Therefore, OEHHA is proposing changes in the regulatory language of section 12204 that will give OEHHA's determinations presumptive effect in an enforcement proceeding. The text of the possible changes to the regulation is attached to this notice. This is a pre-regulatory proposal. The language proposed may change substantially prior to it being proposed in a formal regulatory proceeding.

On Friday, July 11, 2008 from 10 to Noon in the Sierra Hearing Room at the Cal/EPA Headquarters Building located at 1001 I Street, Sacramento, California, OEHHA will hold a public pre-regulatory workshop for the purpose of gathering input from interested parties concerning this possible regulatory action.

If you have special accommodations or language needs, please contact Monet Vela at (916) 323-2517 or mvela@oehha.ca.gov by June 27, 2008.

Interested parties may also submit their ideas on this regulatory concept by 5:00 p.m. on July 25, 2008. All submissions should be directed to:

Fran Kammerer
Staff Counsel
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95812
Or via e-mail to fkammerer@oehha.ca.gov

Proposed Amended Language

§ 12204 Safe Use Determination

(a) As a part of this overall responsibility to provide guidance to persons or organizations that are or may be affected by the Act, the lead agency will consider the applicability of the Act or the exemptions specified in the Act to business activities or prospective business activities. A safe use determination issued by the lead agency represents the state's best judgment concerning the application of the Act to the particular facts presented in the request. ~~A safe use determination is advisory only. It does not affect the authority of the Attorney General, district attorneys, certain city attorneys and any other person in the public interest to prosecute violations of the Act pursuant to Section 25249.7 of the~~

~~Act nor does it affect the responsibility of courts to interpret the Act and apply the provisions of the Act to particular facts. A safe use determination issued by the lead agency and adopted pursuant to this section creates a presumption that the activity described in the determination, when conducted as described, is in compliance with the Act and all related regulations.~~

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

**(Pursuant to title 1, section 270, of the
California Code of Regulations)**

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Agency being challenged:

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Rodney Koch, T-35419
CSP—SHU 4B-3R-21
P.O. BOX 3481
Corcoran, CA 93212

Agency contact:

Timothy Lockwood, Chief of Regulations & Policy
Management Branch
Department of Corrections and Rehabilitation
P.O. BOX 942883
Sacramento, CA 94283-0001

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

PETITION TO THE OFFICE OF ADMINISTRATIVE LAW

RE: Alleged Underground Regulation

FROM: Rodney S. Koch (Petitioner)

DATE: 30 April 2008

Use of this form is entirely optional. It requests the information required by Title 1, California Code of Regulations, section 260, for a petition challenging an alleged underground regulation. Although you are not required to use this specific form, the mandatory information required by 1 CCR 260, including the supporting documentation, must be included somehow in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

1. Identifying Information:

Your name: Rodney S. Koch #T35419

Your address: CSP-SHU 4B-3R-21 P.O.Box 3481 Corcoran, Ca 93212

Your telephone number (if you have one): N-A

Your email (if you have one):

2. State agency or department being challenged: Ca. Dept of Corrections

3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be as precise as possible.

Administrative Bulletin 05-03 in re: Inmate appeals CDC Form 602, which allege staff misconduct/see Attachment A /.

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.

The CDCR relies on AB 05-03 to categorically deny processing inmate appeals that clearly alleges staff misconduct that meets the criteria as outlined in D.O.M. Sec. 31140 et-sea/see Attachment B /.
AB 05-03 is inopposite with D.O.M. Sec 31140.6.1. and CDCR is solely using AB 05-03 to deny inmates their procedural right to file appeals on staff misconduct and to establish a record of the appeal issues.

Petitioner's Name: Rodney S. Koch

Date: 4-30-2008

Page 2

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

D.O.M. 31140 et seq. And Administrative Bulletin 05-03 are Under ground Regulations in violation of Govt' Code 11340.5. AB 05-03 was issued by CDCR, Chief Deputy Secretary and is being enforced throughout the CDCR. And thus is subject to the APA.

Attachment C / Demonstrates how the CDCR uses AB 05-03 to Deny Processing an appeal as a legitimate Staff Misconduct Complaint. Petitioner and several witnesses can provide several documents to show AB 05-03 is used to deny every staff complaint being filed as such.

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.

Allowing Inmates to have adequate means of reporting staff misconduct and thereby holding state employees accountable for their actions while acting as agents of the state. And allowing inmates an avenue to resolve prison issues is of great public importance.

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to:

Name: Timothy M. Lockwood, Chief Regulation & Policy management

Agency: CDCR

Address: P.O. BOX 942883 Sacramento, Ca 94283

Telephone number: 916-358-1655

I certify that all of the above information is true and correct to the best of my knowledge.

Rodney S. Koch
Signature of Petitioner

4-30-2008
Date

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

AIR RESOURCES BOARD

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

In re:

AIR RESOURCES BOARD

REGULATORY ACTION:
Title 13, California Code of Regulations

ADOPT SECTIONS 2265.1 AND 2265.5
AMEND SECTIONS 2260, 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, 2265 (AND THE INCORPORATED "CALIFORNIA PROCEDURES FOR EVALUATING ALTERNATIVE SPECIFICATIONS FOR PHASE 3 REFORMULATED GASOLINE USING THE CALIFORNIA PREDICTIVE MODEL"), 2266, 2266.5, 2270, 2271, AND 2273

DECISION OF DISAPPROVAL
OF REGULATORY ACTION

(Gov. Code, sec. 11349.3)

OAL File No. 08-0425-03S

SUMMARY OF REGULATORY ACTION

Health and Safety Code section 43013.1 requires that the Phase 3 California Reformulated Gasoline (CaRFG) regulations preserve emissions and air quality benefits of the Phase 2 CaRFG program. The use of ethanol in Phase 3 CaRFG increases evaporative emissions relative to Phase 2 CaRFG through permeation. The Air Resources Board proposed changes to title 13

of the California Code of Regulations to amend the CaRFG regulations and update the Predictive Model to mitigate the excess emissions associated with permeation from on-road motor vehicles.

Date: June 10, 2008

CRAIG S. TARPENNING
Senior Staff Counsel
for: SUSAN LAPSLEY
Director

Original: James Goldstene
cc: Trini Balcazar

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-0501-02
AIR RESOURCES BOARD
Aftermarket Catalytic Converters

This rulemaking eliminates the practice of installing used catalytic converters on vehicles effective July 1, 2008, or 30 days after this regulation is filed with the Secretary of State, whichever is later. This rulemaking requires that, effective January 1, 2009, aftermarket catalytic converters meet the emission standards which the vehicles on which they are installed were originally certified to meet. It requires that aftermarket catalytic converters meet these emission standards for an additional 50,000 miles or five years, whichever comes first. The rulemaking requires manufacturers of aftermarket catalytic converters to warrant these devices for 5 years or 50,000 miles and for the devices to be compatible with on-board diagnostic malfunction indication systems.

Title 13
California Code of Regulations
AMEND: 2222
Filed 06/10/2008
Effective 07/10/2008
Agency Contact: Amy Whiting (916) 322-6533

File# 2008-0515-06

BOARD OF BARBERING AND COSMETOLOGY
Interpreter and Interpreter/Model

This rulemaking deletes Title 16 of the California Code of Regulations Section 931(g), which had limited the use of male interpreters or interpreter/models to only the barber, manicurist, and electrologist license examinations. As a result, male interpreters or interpreter/models may be used by license applicants who do not speak, read, or write in the English language at the 10th grade level for the barber, cosmetologist, esthetician, manicurist, or electrologist examinations.

Title 16

California Code of Regulations

AMEND: 931

Filed 06/04/2008

Effective 07/04/2008

Agency Contact: Liz Aginaga (916) 575-7133

File# 2008-0428-01

BOARD OF EQUALIZATION

Alcoholic Beverage Tax Flavored Malt Beverage

This proposed regulatory action contains the following definition of distilled spirits in section 2558 of Title 18: "Effective October 1, 2008, any alcoholic beverage, except wine as defined by Business and Professions Code section 23007, which contains 0.5 per cent or more alcohol by volume derived from flavors or other ingredients containing alcohol obtained from the distillation of fermented agricultural products, is a distilled spirit." Section 2559 contains the following presumption: "Effective October 1, 2008, any alcoholic beverage, except wine as defined by Business and Professions Code section 23007, is presumed to contain 0.5 percent or more alcohol by volume derived from flavors or other ingredients containing alcohol obtained from the distillation of fermented agricultural products, unless this presumption is rebutted pursuant to Regulation 2559.1." Section 2559.1 specifies the procedure that on or after July 10, 2008 may be followed in order to rebut section 2559's presumption and when the Board shall require a manufacturer's "Statement of Process" or "Formula" filed with the Alcohol Tax Trade Bureau or its predecessor agency or successor. Section 2559.1 additionally specifies an appeal procedure if a manufacturer is notified that it has not successfully rebutted the presumption. Section 2559.3 states that not later than October 1, 2008, and updated on a quarterly basis thereafter to add or remove from the list, the Board shall develop, publish and maintain on its Internet site a listing of all alcoholic beverages that have been found to have successfully rebutted the presumption. Section 2559.3 additionally specifies when the Board shall require a copy of the manufacturer's "Statement of Process" or

"Formula" filed with the Alcohol and Tobacco Tax Trade Bureau, its predecessor agency or successor and sets forth an appeal process if notice is given to the manufacturer that the Board has determined the alcoholic beverage is to be removed from the list. Section 2559.5 declares that effective October 1, 2008, for purposes of tax reporting, a taxpayer will be deemed to have correctly classified an alcoholic beverage as not being a distilled spirit if at the time taxes are imposed the alcoholic beverage was included on the Board's Internet list.

Title 18

California Code of Regulations

ADOPT: 2558, 2559, 2559.1, 2559.3, 2559.5

Filed 06/10/2008

Effective 07/10/2008

Agency Contact: Mira Tonis (916) 445-6464

File# 2008-0429-02

BOARD OF PILOT COMMISSIONERS

Pilot Boat Surcharge

This action would establish a procedure and pertinent standards whereby the Board of Pilot Commissioners may determine and impose a surcharge on pilotage fees for the purpose of recovering the pilots' costs of obtaining new pilot boats or the cost of design and engineering modifications to existing pilot boats that would extend their service life.

Title 7

California Code of Regulations

ADOPT: 236.1

Filed 06/10/2008

Effective 07/10/2008

Agency Contact:

Knut Michael Miller (415) 397-2253

File# 2008-0602-02

BOARD OF PODIATRIC MEDICINE

Review of Applications

The Board of Podiatric Medicine is repealing section 1399.664 pursuant to the repeal of the Permit Reform Act of 1981 (Gov. Code sections 15374-15378) by Statutes of 2003, Chapter 229.

Title 16

California Code of Regulations

REPEAL: 1399.664

Filed 06/11/2008

Agency Contact: Kathleen Cook (916) 263-0315

File# 2008-0428-05

CALIFORNIA STUDENT AID COMMISSION

Amend SNAPLE for Nurses in State Facilities Regs

This action amends the existing State Nursing Assumption Program of Loans for Education for Nurses in

State Facilities(SNAPLE–NSF) by implementing the provisions of SB 139 (Chap. 522, Stats. 2007).

Title 5
California Code of Regulations
AMEND: 30920, 30921, 30922, 30923, 30924, 30925, 30927
Filed 06/10/2008
Effective 06/10/2008
Agency Contact: Clarita Cortez (916) 526–7953

File# 2008–0428–04
CALIFORNIA STUDENT AID COMMISSION
Amend SNAPLE for Nursing Faculty Regulations

This action amends the existing State Nursing Assumption Program of Loans for Education for Nursing Faculty (SNAPLE–NF) by implementing the provisions of SB 139 (Chap. 522, Stats. 2007).

Title 5
California Code of Regulations
AMEND: 30910, 30911, 30912, 30913, 30914, 30916
Filed 06/10/2008
Effective 06/10/2008
Agency Contact: Clarita Cortez (916) 526–7953

File# 2008–0422–06
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Inmate Property

In this Certificate of Compliance regulatory action, the Department of Corrections and Rehabilitation amends regulations relating to the rights and restrictions of inmates in adult institutions with respect to the possession, acquisition, and disposition of personal property. The regulations include the incorporation by reference of a detailed “authorized personal property schedule.”

Title 15
California Code of Regulations
AMEND: 3190, 3191
Filed 06/04/2008
Effective 06/04/2008
Agency Contact: Shelley Alarid (916) 324–1959

File# 2008–0528–03
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This emergency amendment to section 3434(b) expands the existing regulated area by approximately 161 square miles to include new areas of the San Francisco Bay, Monterey, Santa Cruz and Marin (Novato) as addi-

tional quarantine areas with respect to the light brown apple moth (LBAM; *Epiphyas postvittana*). New pests have been found in these areas.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 06/04/2008
Effective 06/04/2008
Agency Contact: Stephen Brown (916) 654–1017

File# 2008–0602–03
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This proposed emergency amendment expands the existing regulated quarantine area in San Mateo County by approximately seventeen square miles with respect to the light brown apple moth (LBAM; *Epiphyas postvittana*) pursuant to the finding of new pests. Boundary lines for the quarantine areas have been changed.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 06/11/2008
Effective 06/11/2008
Agency Contact: Stephen Brown (916) 654–1017

File# 2008–0528–04
DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

This emergency regulatory action modifies the existing oak mortality disease control regulation by adding two new plants, *cercis chinense* (Chinese redbud) and *magnolia figo* (banana shrub) to the list of associated articles stocked in nurseries whose movements are regulated as hosts or potential carriers that may transfer the disease from an infested area.

Title 3
California Code of Regulations
AMEND: 3700
Filed 06/09/2008
Effective 06/09/2008
Agency Contact: Stephen Brown (916) 654–1017

File# 2008–0425–02
DEPARTMENT OF SOCIAL SERVICES
Expedited Service Benefit Issuance for the Food Stamp Program

This regulatory action is necessary to bring state regulations regarding issuance of expedited services for food stamp benefits into compliance with federal regulations.

Title MPP
California Code of Regulations
AMEND: 63–301
Filed 06/04/2008
Effective 09/01/2008
Agency Contact: Sandra Ortega (916) 657–3174

File# 2008–0528–11
EDUCATION AUDIT APPEALS PANEL
Audits of K–12 LEAs — FY 2008–09

This regulatory action is to update the audit guide for California K–12 LEAs, as required by Education Code sections 14502.1 and 14503. The amendments and additions for the 2008–2009 fiscal year are derived from content submitted to EAAP by the Controller as required by statute.

Title 5
California Code of Regulations
ADOPT: 19828.3, 19837.2 AMEND: 19816,
19816.1, 19828.2, 19837.1, 19846
Filed 06/09/2008
Effective 06/09/2008
Agency Contact: Carolyn Pirillo (916) 445–7745

File# 2008–0522–03
FAIR POLITICAL PRACTICES COMMISSION
Reporting an Expenditure for a Gift, a Meal, or Travel;
Recordkeeping

This action amends 2 Cal. Code Regs. section 18401 and adopts section 18421.7 regarding how expenditures for gifts, meals or travel are to be reported for candidate controlled committees. Additional grammatical changes and clarifications are made to section 18401.

OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL’s review is limited to determining if the proposed regulations comply with “the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State.” (Former Gov. Code, section 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2
California Code of Regulations
ADOPT: 18421.7 AMEND: 18401
Filed 06/11/2008
Effective 07/01/2008
Agency Contact:
Virginia Latteri–Lopez (916) 324–3854

File# 2008–0522–04
FAIR POLITICAL PRACTICES COMMISSION
Gifts to an Agency

This action adopts new section 2 Cal. Code Regs. section 18944.2 in place of existing section 18944.2. The new section reorganizes the previously existing section, “Gifts to an Agency,” and explains when a gift to a public agency, although controlled by an individual public official, is not considered a reportable or limited gift to an individual public official, despite the personal benefit derived by the official from the payment.

OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL’s review is limited to determining if the proposed regulations comply with “the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State.” (Former Gov. Code, section 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2
California Code of Regulations
ADOPT: 18944.2 REPEAL: 18944.2
Filed 06/11/2008
Effective 07/01/2008
Agency Contact:
Virginia Latteri–Lopez (916) 324–3854

File# 2008–0522–02
FAIR POLITICAL PRACTICES COMMISSION
Complaints: Delegation by Executive Director — Enforcement Proceedings

This action amends 2 Cal. Code Regs. section 18360 regarding complaints made to the Commission. Among other changes, the regulation now requires the complainant have personal knowledge of the violations of the Political Reform Act alleged, the complaint must now be signed under penalty of perjury. New reporting requirements of the staff to the Commission are also included.

OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL’s review is limited to determining if the proposed regulations comply with “the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse

on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State.”(Former Gov. Code, section 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2
California Code of Regulations
AMEND: 18360, 18361
Filed 06/11/2008
Effective 06/11/2008
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2008-0514-05
FRANCHISE TAX BOARD
Business Entities, Definitions and Classification of Certain Business Entities

This change without regulatory effect revises references to the Bank and Corporation Tax Law to reflect the new name of Corporation Tax Law, and to make related non-substantive changes to the affected sections.

Title 18
California Code of Regulations
AMEND: 23038(b)-2, 23038(b)-3
Filed 06/04/2008
Agency Contact: Colleen Berwick (916) 845-3306

File# 2008-0516-06
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Permanent Flooring — Skeleton Steel Construction in Tiered Buildings

This action concerns standards for Permanent Flooring, Skeleton Steel Construction in Tiered Buildings. These standards are exempt from the APA pursuant to Labor Code section 142.3.

Title 8
California Code of Regulations
AMEND: 1710(k)(2)
Filed 06/06/2008
Effective 06/06/2008
Agency Contact: Marley Hart (916) 274-5721

File# 2008-0424-03
OFFICE OF THE STATE FIRE MARSHAL
Portable Gasoline Containers

This rulemaking implements Health and Safety Code Sections 13132.7 and 13139 by approving and listing wood roof covering materials and child-proof portable gasoline containers, respectively. The rulemaking allows for the continued sale and use of these items as long as they are listed and approved by the State Fire Marshal. The rulemaking defines portable gasoline

containers and contains several exceptions to the definition.

Title 19
California Code of Regulations
AMEND: 200, 203, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217
Filed 06/06/2008
Effective 06/06/2008
Agency Contact: Diane Arend (916) 324-9592

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN JANUARY 9, 2008 TO
JUNE 11, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

04/24/08 AMEND: Appendix A
02/25/08 ADOPT: 48, 50, 52 AMEND: 55
01/29/08 AMEND: 1, 6, 90, and Appendix A (Std. Form 400)

Title 2

06/11/08 AMEND: 18360, 18361
06/11/08 ADOPT: 18421.7 AMEND: 18401
06/11/08 ADOPT: 18944.2 REPEAL: 18944.2
05/21/08 ADOPT: 59580
05/14/08 ADOPT: 18413
05/13/08 ADOPT: 59620
05/06/08 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
04/30/08 AMEND: 1859.2, 1859.61, 1859.81, 1859.82, 1859.83, 1859.202, 1866, Form SAB 50-04 (Rev. 01/08)
04/29/08 ADOPT: 1859.190, 1859.191, 1859.192, 1859.193, 1859.193.1, 1859.194, 1859.195, 1859.196, 1859.197, 1859.198, 1859.199 AMEND: 1859.2, 1859.51, 1859.81, Form SAB 50-04 (Revised 01/08), Form SAB 50-05 (Revised 01/08), Form SAB 50-10 (Revised 01/08)
04/24/08 ADOPT: 1183.081, 1183.131, 1183.30, 1183.31, 1183.32 AMEND: 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.04, 1183.08, 1183.11, 1183.13, 1183.14, 1183.3, 1188.3

04/10/08 AMEND: 1866, 1866.4.3, 1866.13, Form
SAB 40–22 (Rev. 10/07)
04/09/08 AMEND: 18997
03/28/08 ADOPT: 59630
03/24/08 AMEND: 18735
03/19/08 AMEND: 55300
03/19/08 AMEND: 549.90
03/19/08 AMEND: 18200
03/03/08 AMEND: 1859.76, 1859.83, 1859.104.3
02/25/08 AMEND: 549.80
02/25/08 AMEND: 714

Title 3

06/11/08 AMEND: 3434(b)
06/09/08 AMEND: 3700
06/04/08 AMEND: 3434(b)
05/23/08 AMEND: 3434(b)
05/23/08 AMEND: 1438.7, 1438.17
05/07/08 AMEND: 3434(b)
05/05/08 AMEND: 3406(b)
05/02/08 AMEND: 3417(b)
05/02/08 AMEND: 3434
04/30/08 AMEND: 3591.20
04/23/08 AMEND: 6550
04/21/08 AMEND: 3700
04/18/08 AMEND: 3434(b)
04/16/08 AMEND: 3434(b) & (c)
04/15/08 AMEND: 3433(b)
04/08/08 AMEND: 3434(b)
04/02/08 AMEND: 3433(b)
04/02/08 AMEND: 3433(b)
04/01/08 ADOPT: 821, 821.1, 821.2, 821.3, 821.4,
821.5 REPEAL: 784, 784.1, 784.2, 800,
800.1, 801, 802
03/26/08 AMEND: 3434(b)
03/21/08 AMEND: 3434(b)
03/19/08 AMEND: 6620
03/17/08 AMEND: 3434(b)
03/17/08 AMEND: 3406(b)
03/17/08 AMEND: 3700(c)
03/13/08 AMEND: 6860
03/12/08 AMEND: 3434(b)
03/12/08 AMEND: 3406(b)
03/05/08 AMEND: 3875
03/04/08 AMEND: 3867
03/03/08 AMEND: 3591.20
02/22/08 AMEND: 3434(b)
02/21/08 AMEND: 6393
02/11/08 AMEND: 3434(b)
02/08/08 AMEND: 3591.20
02/04/08 AMEND: 3434(b)
01/29/08 AMEND: 3700(c)
01/28/08 AMEND: 3433(b)
01/28/08 AMEND: 4500

01/25/08 ADOPT: 6445, 6445.5, 6448, 6448.1,
6449, 6449.1, 6450, 6450.1, 6450.2,
6451, 6451.1, 6452, 6452.1, 6452.2,
6452.3(a), 6452.3(b), 6452.3(c),
6452.3(d), 6452.3(e), 6452.3(f), 6452.4,
6536(a), 6536(b)(1–3), 6536(b)(4)
AMEND: 6000, 6400, 6450, 6450.1,
6450.2, 6450.3, 6452, 6453, 6502, 6624,
6626, 6784
01/24/08 AMEND: 1391, 1391.1
01/22/08 AMEND: 3591.6
01/22/08 AMEND: 3591.6
01/22/08 AMEND: 3591.2(a)
01/22/08 AMEND: 3591.5(a)
01/18/08 AMEND: 3423(b)
01/18/08 ADOPT: 3152
01/11/08 AMEND: 3406(b)
01/10/08 AMEND: 3433(b)

Title 4

05/23/08 ADOPT: 1843.3 AMEND: 1843.2
05/01/08 AMEND: 1844
04/08/08 AMEND: 1467
03/24/08 AMEND: 10177, 10178, 10181, 10182,
10187, 10188, 10189
02/29/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3,
8102.4, 8102.5, 8102.6, 8102.7, 8102.8,
8102.9, 8102.10, 8102.11, 8102.12,
8102.13, 8102.14, 8102.15 AMEND:
8090, 8091, 8092, 8093, 8094, 8095,
8096, 8097, 8098, 8099, 8100, 8101
01/22/08 AMEND: 8070, 8072, 8073
01/10/08 AMEND: 1632

Title 5

06/10/08 AMEND: 30910, 30911, 30912, 30913,
30914, 30916
06/10/08 AMEND: 30920, 30921, 30922, 30923,
30924, 30925, 30927
06/09/08 ADOPT: 19828.3, 19837.2 AMEND:
19816, 19816.1, 19828.2, 19837.1,
19846
05/28/08 ADOPT: 18085.5, 18086.1 AMEND:
18086, 18087, 18088, 18091, 18101,
18102, 18104
05/21/08 ADOPT: 6105 AMEND: 6100, 6104
05/13/08 AMEND: 15440, 15441, 15442, 15443,
15444, 15445, 15446, 15447, 15448,
15449, 15450, 15451, 15452, 15453,
15454, 15455, 15456, 15457, 15458,
15459, 15460, 15461, 15462, 15463,
15464, 15467, 15468, 15469, 15471,
15471.1, 15471.2, 15472, 15473, 15474,
15475, 15476, 15477, 15478, 15479,
15479.5, 15480, 15481, 15483, 15484,

	15485, 15486, 15487, 15488, 15489, 15490, 15493		2375.1, 2375.18, Table 2375.18, Sections 2375.19, 2390.1, 2390.24, 2390.41, 2390.81, 2395.3, 2395.5, 2395.6, 2395.23, 2395.25, 2395.32, 2395.42, 2395.44, 2395.45, 2395.57, 2395.58, 2405.1, 2405.2; Article 16, Sections 2420.3; Article 45; Sections 2480.6, 2480.7, 2484.24, 2500.7, 2500.8, 2500.9, 2500.10, 2500.11, 2500.23, 2505.10, 2505.11, 2510.4, 2510.5, 2510.6, 2510.7, 2510.56, 2510.58, 2522.2, 2530.4, 2530.102, 2530.103, 2530.104, 2530.107, 2530.112, 2533.1, 2534.6, 2534.8, 2540.1, 2540.2, 2540.3, 2540.4, 2560.2, 2561.1, 2561.3, 2561.31, 2561.32, 2563.23, 2563.33; Article 77, Section 2565.3; Sections 2568.8, 2568.15, 2569.1, 2569.6, 2569.7, 2569.20, 2569.51; Article 80, Sections 2571.1 and 2571.16. REPEAL: 2340.23, 2350.11, 2390.83, 2395.7, 2395.33, 2395.43, 2395.50, 2480.8, 2522.8 and 2561.50.
05/05/08	ADOPT: 11315.5 and 11315.6 AMEND: 11315		
05/01/08	AMEND: 80440, 80443		
04/21/08	ADOPT: 18134		
04/21/08	ADOPT: 18134		
03/03/08	ADOPT: 9510.5, 9512, 9513, 9514, 9525 AMEND: 9510, 9511, 9515, 9516, 9517, 9518, 9519, 9521, 9522, 9523, 9524, 9527, 9528, 9529, 9530 REPEAL: 9517.1, 9520		
02/28/08	ADOPT: 11969.10, 11969.11 AMEND: 11969.1, 11969.2, 11969.3, 11969.4, 11969.6, 11969.7, 11969.8, 11969.9		
02/25/08	AMEND: 41301		
02/22/08	AMEND: 3051.16, 3065		
Title 7			
06/10/08	ADOPT: 236.1		
Title 8			
06/06/08	AMEND: 1710(k)(2)		
05/19/08	AMEND: 1529, 5208, 8358		
05/19/08	AMEND: 1710		
05/19/08	AMEND: 797, 1604.10, 1601.21, 1662		
05/05/08	ADOPT: 2340.2, 2340.5, 2340.8, 2340.10, 2340.12, 2340.14; Article 6, Sections 2360.1 through 2360.5; Sections 2375.7, 2375.25, 2380.1, 2390.10, 2390.20, Article 12, Sections 2400.1, 2400.2; Sections 2418.2, 2418.3, 2418.4, 2418.5, 2418.6, 2420.4, 2420.5, 2420.6, 2420.7, 2473.1, 2473.2, 2480.5, 2480.9, 2484.5, 2484.6; Article 48.1, Sections 2485.1, 2485.2; Sections 2505.2, 2510.8, 2522.20, 2530.120, 2530.121; Article 58.1, Section 2535.1; Sections 2540.11, 2540.11 Figure S-1, 2560.3; Article 74.1, Sections 2562.1 through 2562.7; Article 77.1, Sections 2566.1 through 2566.3; Article 77.2, Sections 2567.1 through 2567.3; Sections 2569.5, 2571.9, 2571.30; Article 83, Sections 2583.1 through 2583.8; Article 84, Sections 2584.1 through 2584.8; Article 85, Sections 2585.1 through 2585.3; Article 86, Sections 2586.1 through 2586.4; Article 87, Sections 2587.1 through 2587.5; Article 88, Sections 2588.1 through 2588.3; Article 89, Sections 2589.1 and 2589.2. AMEND: 2300, 2305.2, 2305.4, 2340.9, 2340.11, 2340.13, 2340.16, Table 2340.16, 2340.17, 2340.18, 2340.21, 2340.22; Article 5, Section 2350.2; Sections	04/11/08	AMEND: 7016(c)
		04/07/08	AMEND: 10116, 10116.1, 10117.1, 10118.1, 10119, 10120, 10121, 10136, 10137, 10225, 10225.1, 10225.2
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